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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,311	01/12/2005	Stefan Haar	1179_023	4003

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EXAMINER

DEFRANK, JOSEPH S

ART UNIT	PAPER NUMBER
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4175

MAIL DATE	DELIVERY MODE
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10/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,311

Applicant(s)

HAAR, STEFAN

Examiner

Joseph De Frank

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5, 11, 12, 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7-22-04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner's Comments

1. Examiner has received the applicant's response to the election of species and is examining claims 1-4, 6-10 and 13-14 on the merits in this office action.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "said means" can refer to almost any of the structure listed in claim 1. For the sake of examining claims 13 and 14, "said means" will be interpreted as "said first connection means."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-4, 6-10, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haar (US Patent 5,400,652) in view of Makeev et al. (US Patent 3,830,121).

7. With respect to claims 1 and 4, Haar discloses a plate positioning system for presses having structure which discloses the steps of: moving a feed slide (16) between the punching die (12) of the punching press (10) and a transfer position located in front of the punching press; seizing a panel (40a) in the rear area (as shown in figure 1) thereof wherein first connection means (grippers 26 and 28) of the feed slide (16), in the transfer position, seize a panel in the rear edge of said panel (40a) to advance it stepwise through said punching press in response to the cycle of said punching press (column 2 second full paragraph), characterized in that. Haar does not disclose said first connection (grippers 26 and 28) means seize said panel exclusively from above. The grippers have to squeeze the panel from one jaw located above and one jaw located below the panel.

Makeev et al. teaches a positioning system for sheet material in which one system of gripping the panel is the use of pneumatic suckers (49 in figure 1) (column 5

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lines 3-4) that grip the panel solely from above the panel. Examiner notes that the use of suction to move panels is well known and frequently illustrated in the art. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the gripping means (grippers 26 and 28) of Haar with the gripping suction means (49) of Makeev et al.

8. With respect to claim 2, the apparatus of Haar in view of Makeev et al. discloses the method wherein said feed slide (16) is guided by a slide guideway (36) and is moved along a first axis (38) towards said punching die and away therefrom to a pick-up position, wherein said first connection means further are guided by the feed slide (16) and are preferably dislocated along a second axis (21) perpendicular to the first axis (38), and wherein an advancement slide having releasable second connection means (grippers 32 and 34) is dislocated along the first axis (38) to feed a panel (40a) to a transfer position for a take-over by said first connection means with one panel being seized by said first connection means (suction means 49 of Makeev et al.) from above at the rear edge area during a punching step of the punching press in the transfer position which corresponds to the panel position for the first punching step of said punching press and the advancement slide brings a succeeding panel into the transfer position

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when said first connection means have reached their take-over position along the two axes.

9. With respect to claim 6, the suction cups of Makeev et al. are designed to grasp the panel from above so that panels can be easily be removed from a stacked pile of panels (2 in figure 1 of Makeev et al.). The combined apparatus of Haar in view of Makeev et al. would advance succeeding panels that are stacked vertically through the steps of the press.

10. With respect to claim 3, the apparatus of Haar in view of Makeev et al. the method wherein two feed slides (16 and 18) are guided by a slide guideway each and are dislocated along a first axis (38 or 20) between said punching die of said punching press and a transfer position, wherein said first connection means further are guided by the respective feed slide and are preferably dislocated along a second axis perpendicular to the first axis.

11. With respect to claim 7, when using any sort of suction device, the item being "sucked" is pulled closer to the suction device. In order for a suction seal to develop, the sucked item must come into contact with the suction device. In this case, sheet 40a is sucked against the first connection means (suckers 49 of Makeev et al.).

12. With respect to claim 8, Makeev et al. discloses the suckers 49 are used to lift or lower panels (column 5 lines 2-4).

13. With respect to claim 9, Haar in view of Makeev et al. discloses the panel (40a) having a rear edge that is lifted by separate lifting means against said first connection means. In this case, a separate system of grippers (32 and 34) are used in conjunction

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with the first lifting means (suction cups 49 of Makeev et al.) that grip the rear edge and hold the panel (40a) while the panel is still in contact with the first gripping means.

14. With respect to claim 10, the suction means are active across a major width of the panel. One suction cup is located at one rear corner, and the other suction cup is located at the remaining rear corner.

15. With respect to claims 13 and 14, the first gripping means of the combined apparatus of Haar in view of Makeev et al. discloses the first connection means (suction cups 49 of Makeev et al.) engaging gores of said rear edge area which are defined between the panel surfaces to be punched out and said rear edge. The term gore here is used to just describe an area of the panel that is not punched out. As shown by Haar in figure 1, the initial grippers (26 and 28) are designed to grip in the gores of the panel (40a) and when replaced by the suction means of Makeev et al. (cups 49), the suction means will also grip the gores of the panel. The gripping means are disposed on a ledge. A ledge is defined as "a relatively narrow projecting part" (per www.dictionary.com). The cups are disposed on ledges 22 and 24 of Haar respectively. In order for the pneumatic suction device of Makeev et al. to function, it must be coupled to a vacuum source.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Stubbings, Russon et al., Haar, Gillen et al., Ferguson, and Kuroda are noted as being pertinent to the applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph De Frank whose telephone number is (571) 270-3512. The examiner can normally be reached on Monday - Thursday; 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence Till can be reached on (571) 272-1280. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph De Frank
Examiner
Art Unit 4175

JD
JD
10-22-07


Terrence R. Till
Supervisory Patent Examiner